

**United States District Court****FILED****MIDDLE****DISTRICT OF****ALABAMA****JUN 26 2007**

UNITED STATES OF AMERICA

v.

ISIDRO MONTOYA-MORENO and  
JOSE PINA-MONTOYACLERK  
U. S. DISTRICT COURT  
CRIMINAL COMPLAINT OF ALA.CASE NUMBER: *2:07-mj-61-SRW*

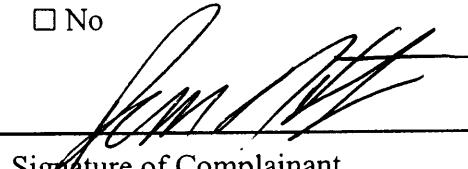
I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 26, 2007, in Montgomery County within the Middle District of Alabama defendant did,

**being an alien, knowingly re-enter the United States after having been deported,  
without obtaining the permission of the Secretary of Homeland Security  
or the Attorney General of the United States,**

in violation of Title 8 United States Code, Section(s) 1326(a), I further state that I am an US Immigration & Customs Deportation Officer and that this complaint is based on the following facts:

**SEE ATTACHED AFFIDAVIT**

Continued on the attached sheet and made a part hereof:  Yes  No



Signature of Complainant

Sworn to before me and subscribed in my presence,

June 26, 2007at Montgomery, Alabama

Date

City and State

Susan Russ Walker, United States Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

**AFFIDAVIT**

I, Dean Hoth, being duly first sworn, do hereby state and affirm that:

I am a duly sworn Deportation Officer of the U.S. Immigration and Customs Enforcement (ICE) assigned to the Detention and Removal (DRO) office, Gadsden, Alabama. I have been employed as a federal agent for approximately fifteen years. One of my principal assignments has been to conduct criminal investigations of persons involved in violation of the United States Code relating to Title 8 - Aliens and Nationality along with other violations of federal law.

On June 7, 2007, ICE/DRO in Gadsden, Alabama was contacted by the Law Enforcement Support Center (LESC) concerning two Hispanic males that were currently incarcerated at the Montgomery County Jail in Montgomery, Alabama on state charges. According to immigration checks conducted by the LESC, the two individuals, Isidro MONTOYA-Moreno and Jose PINA-Montoya, were natives and citizens of Mexico who had previously been deported from the United States to Mexico. Subsequently, the LESC filed immigration detainers with the Montgomery County Jail for MONTOYA and PINA.

On June 26, 2007, ICE Senior Special Agent (SS/A) D. Henderson took custody of MONTOYA and PINA at the Montgomery County Jail and transported them to the ICE office in Montgomery, Alabama. Upon arriving at the ICE office, SS/A Henderson and I interviewed MONTOYA concerning his immigration status. SS/A Henderson advised MONTOYA of his constitutional rights, as per Miranda in the Spanish language. MONTOYA acknowledged orally and in writing that he understood his rights and proceeded to make a voluntary statement. Upon questioning, he freely admitted to being a native and citizen of Mexico, who last entered the United States illegally on or about November of 2006 near McAllen, Texas. MONTOYA acknowledged that he had been previously removed from the United States. Additional Immigration checks reveal that he was last removed from the United States to Mexico on June 30, 2000 at Hidalgo, Texas. A review of the official file indicates that MONTOYA failed to obtain permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security to reenter the United States legally.

SS/A Henderson and I then interviewed PINA concerning his immigration status. SS/A Henderson advised PINA of his constitutional rights, as per Miranda in the Spanish language. PINA acknowledged orally and in writing that he understood his rights and proceeded to make a voluntary statement. Upon questioning, he freely admitted to being a native and citizen of Mexico, who last entered the United States illegally on or about April of 2007 near Douglas, Arizona. PINA acknowledged that he had been previously removed from the United States. Additional Immigration checks reveal that he was last removed from the United States to Mexico on August 13, 2003 at Brownsville, Texas. A review of the official file indicates that PINA failed to obtain permission from the Attorney General of the United States or the Secretary for the Department of Homeland Security to reenter the United States legally.

Isidro MONTOYA-Moreno and Jose PINA-Montoya are in violation of, but not limited to, Title 8 U.S.C. 1326(a), reentry of deported alien without the consent of the Attorney General of the United States or the Secretary of the Department of Homeland Security. The penalty, upon conviction, for this offense shall be a fine under Title 18, or imprisoned not more than 2 years, or both.

  
\_\_\_\_\_  
Dean Hoth, Affiant  
U.S. Department of Homeland Security  
Immigration and Customs Enforcement

Sworn to and subscribed before me  
this 26<sup>th</sup> day of June, 2007.

  
\_\_\_\_\_  
United States Magistrate Judge